

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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PATRICIA KAMMEYER, et al. : Case No. C-1-01-649
Plaintiffs : Spiegel, J.
vs. : Sherman, J.
CITY OF SHARONVILLE, et al. : DECLARATION OF ALPHONSE
Defendants : A. GERHARDSTEIN
:

I, Alphonse A. Gerhardstein, submit this declaration pursuant to 28 U.S.C. § 1746

1. I am trial attorney for the plaintiffs in the above action.
2. Attached to this declaration is correspondence received from defendant City of Sharonville denying access to the investigative files relating to the murders of Marie Schuhholz (aka Wright) and Starla Burns. Only after a motion to compel was this access achieved. We have not yet secured access to all of the investigative materials.
3. During the week of February 9, 2004 I explained to defense counsel Larry Barbieri that I was preparing a searchable disk as part of the responses to the discovery requests propounded by his client as well as the Nuss requests. I explained that the disk would be fully searchable.
4. On February 16, 2004 I sent the attached letter explaining that the disk and responses would be delayed until February 24. I reiterated that the disk was coming in my attached letter of February 23. Together with the correspondence attached to the

Motion to compel by Nuss, these documents reflect the correspondence between the parties regarding this matter.

5. Finally attached is a letter to Judge Spiegel dated April 1, 2004 from defense counsel Mr. Keating listing audio and video tapes in the criminal file. Conspicuous by their absence are all of the 1981 interview tapes allegedly made by defendant Cramer.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

a a Gerhardstein

Alphonse A. Gerhardstein

Dated: 4/5/04